

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4
5 KMI ZEOLITE, INC, and ROBERT E. FORD,

6 Plaintiffs,

7 vs.

8 UNITED STATES DEPARTMENT OF THE
9 INTERIOR, *et al.*,

10 Defendants.

2:15-cv-02038-JCM-VCF
Consolidated with Case no.
2:16-cv-00046-JCM-PAL
ORDER

11
12 Before the Court are the Motion to Withdraw as Attorney of Record Representing ABC Recycling
13 Industries, LLC (“ABC”) and Robert Ford (“Ford”) and Motion for Hearing. (ECF Nos. 81 and 82). Dan
14 M. Winder, Esq. and Arnold Weinstock, Esq., Scott C. Dorman and the law office of Dan M. Winder,
15 P.C., seek to withdraw as counsel of record for ABC and Ford. *Id.*

16 **Discussion**

17 This action commenced on October 22, 2015. (ECF No. 1). Local Rule IA 11-6 provides that
18 “[e]xcept for good cause shown, no withdrawal or substitution will be approved if it will result in delay
19 of discovery, the trial, or any hearing in this case.” Trial date has not been set. There are no pending
20 hearings and discovery will not be delayed. The parties have until early 2018 to file dispositive motions.
21 (ECF NO. 76). This matter is pending mediation.

22 Nevada Rule of Professional Conduct 1.16(a)(3) provides that a lawyer may withdraw if the “[t]he
23 lawyer is discharged.” Here, based on counsel’s representation that ABC and Ford have discharged him
24 of representation, the Court permits counsel to withdraw. (ECF No. 81 at 4) LR IA 11-6(b); NRPC
25 1.16(a)(3). The Court finds that permitting counsel to withdraw would not result in delay. LR IA 11-6(e).

1 28 U.S.C. § 1654 provides that “[i]n all courts of the United States the parties may plead and
2 conduct their own cases personally.” See *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th
3 Cir. 1987). Although individuals may represent themselves pursuant to this statute, a corporation is not
4 permitted to appear in Federal Court unless it is represented by counsel. *U.S. v. High Country*
5 *Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). An individual also does not have the right to
6 appear on behalf of anyone other than himself. *Pope*, 818 F.2d at 697. The Ninth Circuit has permitted
7 motions to strike and motions to dismiss pleadings filed by *pro se* parties on behalf of entities including
8 trusts. *Id.* at 698; *United States v. Nagy*, C11-5066BHS, 2011 WL 3502488 (W.D. Wash. Aug. 10, 2011).
9 ABC Recycling Industries, Inc. may not proceed *pro se*, as corporations must be represented by counsel.

10 The Court finds that permitting counsel to withdraw would not result in delay. LR IA 11-6. No
11 hearing has been scheduled and trial date has not been determined.

12 Accordingly, and for Good Cause Shown,

13 IT IS HEREBY ORDERED that the Motion to Withdraw as Attorney of Record Representing
14 ABC and Ford (ECF No. 81) is GRANTED.

15 IT IS FURTHER ORDERED that the Motion for Hearing (ECF No. 82) is DENIED as MOOT.

16 IT IS FURTHER ORDERED that ABC Recycling Industries, Inc. must retain counsel by October
17 2, 2017. Failure to comply with this order may result in a recommendation to the District Judge for
18 sanctions, including case-dispositive sanctions.

19 IT IS FURTHER ORDERED that Dan M. Winder, Esq. must mail this Order to ABC and Robert
20 Ford. The certificate of mailing must be filed with this Court on or before September 6, 2017.

21 IT IS FURTHER ORDERED that Mr. Winder must file with the Court the last known address(es)
22 and contact information of ABC and Ford, on or before September 6, 2017.

23 DATED this 31st day of August, 2017.



24 CAM FERENBACH
25 UNITED STATES MAGISTRATE JUDGE